

ORDINANCE NO. 2010- 035

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REVISE THE BOUNDARIES OF PLANNING AREAS II AND III, IN THE GENERAL AREA BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE, AND AS FURTHER SHOWN ON THE EXHIBIT ATTACHED HERETO; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley is authorized under Chapter 213 of the Texas Local Government Code to adopt a comprehensive plan for the long-range development of the City; and,

WHEREAS, the City Council adopted the City of Wimberley Comprehensive Plan (the "Plan"), and made substantial amendments to the Plan in 2008; and,

WHEREAS, some of the property owners which are located in the general vicinity between the Blanco River and the Wimberley Square have requested that the properties within those limits be moved from Planning Area II to Planning Area III, so that they may request amendments to their zoning classifications that will be in conformance with the Plan; and,

WHEREAS, the Planning and Zoning Commission has reviewed the changes, held a public hearing and has made recommendations to the City Council to amend the Plan as described herein, finding that such amendment is compatible with the adjacent existing uses and existing zoning classifications, and is in accord with the current uses on the properties; and,

WHEREAS, the City Council has reviewed and considered the report by the Planning and Zoning Commission and has held a public hearing on the proposed Plan amendments at which members of the public had the opportunity to give testimony and present written evidence; and,

WHEREAS, the City Council has determined that the City of Wimberley Comprehensive Plan should be amended as provided by this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENTS

THAT the City's Comprehensive Plan, and its accompanying maps, described in the report by Planning and Zoning Commission to City Council, shall be hereby amended to revise the boundaries of Planning Areas II and III, as further shown on such report, attached hereto and incorporated herein as Exhibit "A"; and that the official City Maps be amended accordingly.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

IV. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ AND APPROVED on its First Reading this 21st day of October, 2010, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

READ AND APPROVED on its Second Reading this 4th day of November, 2010, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

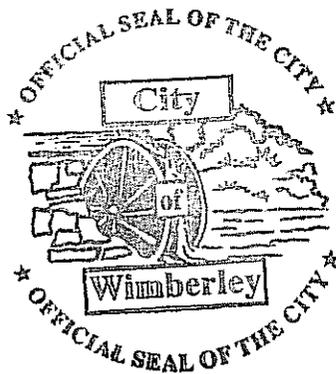
By Bob Flocke
Bob Flocke, Mayor

ATTEST:

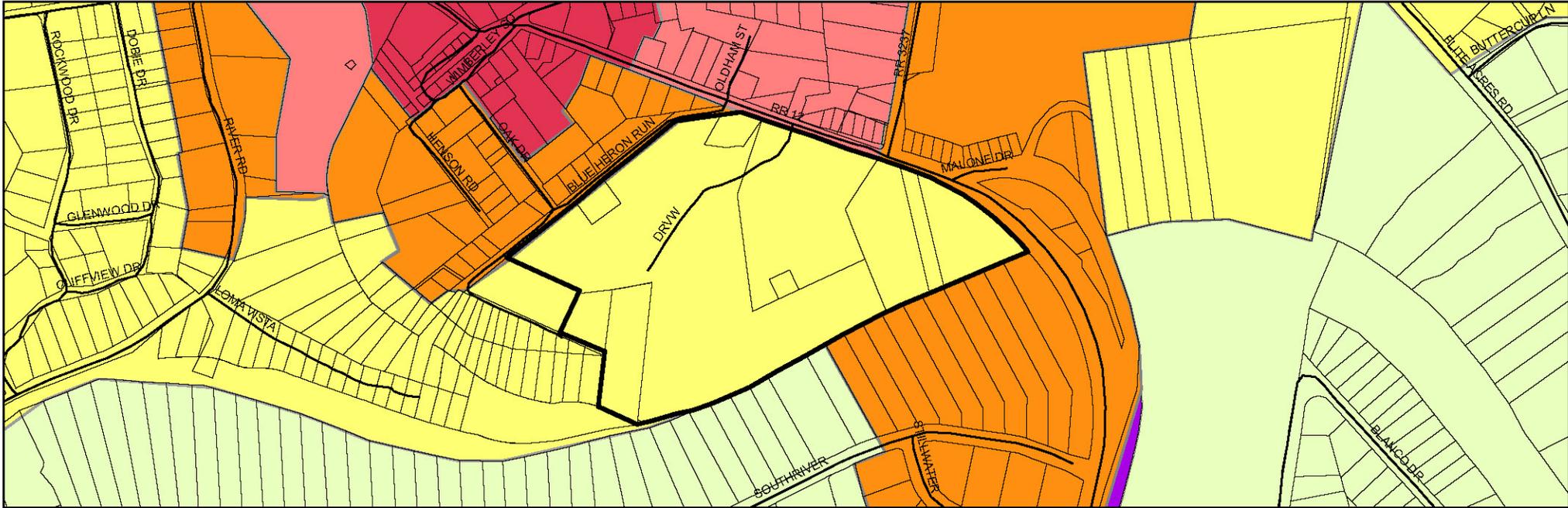
Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Crosby
C. Crosby, City Attorney



Previous Planning Area Boundary



New Planning Area Boundary

